REMARKS

Reconsideration is respectfully requested. Claim 21 is amended herein.

Applicant wishes to begin the response by addressing paragraphs 5, 6 and 7 of the remarks of the office action. The earlier paragraphs are addressed further below.

Firstly the Applicant would like to express his gratitude to the Examiner for the comprehensive exposition of remarks allowing to make out the exact meaning of differences in the standpoints of Examiner and Applicant. It seems that the essence of the Examiner's remarks is based upon contraposition of inventions by Kitazawa (JP 05-286500), Karlin (US 4763284) and Dire (US 4756756531) to the Applied Invention. The Examiner appears considers the Applied Invention simply as one of possible extensions of a device for registration of meteorites, and consequently asserts that the Applied Invention would have been obvious to any person skilled in art if that person had creatively developed some previous inventions, namely by Kitazawa (JP 05-286500), Karlin (US 4763284) and Dire (US 4756756531). The Applicant respectfully disagrees and reasonably insists that the Applied Invention is actually a Random Number Generator (RNG) specifically dedicated to paying a space game as it is emphasized in the claim 17. Moreover in the Applied Invention the Applicant never claimed a device for registration of meteorites.

The Applicant would like to attract attention of the Examiner to the USPTO practice to grant patents for RNG applications similar by structure to the Applied Invention and based on the stochastic character of different natural processes. It seems to be expedient to give some examples of patents granted by the USPTO comparably not long ago:

- RNG proposed by Kim (US 6829628 of 07.12.2004) based on the stochastic character of transient processes in an electric circuit at sending in of electric signals;

- RNG proposed by Hars (US 7356552 of 08.04.2008) based on the stochastic character of transient processes in electric circuits taking into account the stochastic character of manufacturing and environmental deviations in semiconductor based computers;

- RNG, proposed by Sun (US 7526087 of 28.04.2009) based on the stochastic character of the process of interaction between specially generated electric noises and currents in the electric circuits.

In all these inventions there were used well known natural stochastic processes, well known means for their registration, well known means for transformation of the registered signals into random numbers and well known means for transmission of the acquired random numbers to the customers. It is only a new combination of the natural stochastic processes and means for their procession that may be considered as an inventive step in

these inventions because it provides customers with new stochastic characteristics which is actually acknowledged by USPTO.

Alike the inventions acknowledged by USPTO in the Applied Invention there had been used a natural stochastic process (movement of the micrometeorite flows in the near Earth space), means for its registration (technical facility located on board a space vehicle and comprising game fields provided with sensors generating signals about collisions and time-detector registering time of collisions), means for transformation of the registered signals into random numbers (identification markers, means for mechanical insulation of game fields and means for generation of the game event occurrence data), means for transmission of the acquired random numbers to the customers (telemetry channel, ground means for receiving and procession of the signals from space, onsite means for deciphering and final procession of the signals at the gaming place).

The main feature of the Applied RNG is that this RNG is the most favorable for playing a space game by its stochastic characteristics.

The Applicant would like to attract attention of the Examiner that the Applied Invention is unconditionally acknowledged as RNG by experts in the field of space technologies including Dr. Vladimir Nikitsky and Ph.D. Roman Yakimenko who provided USPTO with official declarations previously submitted.

In the declarations they directly said: "The applied device actually is a generator of random numbers…", "…the first published proposal to use a natural stochastic process going in the near Earth space for generation of random numbers…". Moreover, the Examiner himself has never expressed any doubts about the Applied Invention being an RNG. So the Applicant respectfully asks the Examiner to consider the Applied Invention from the same standpoint as other applications for RNG, without discrimination.

The Applicant respectfully disagrees with the Examiner on the matter of possibility to creatively develop the Applied Invention basing on the inventions by Kitazawa (JP 05-286500), Karlin (US 4763284) and Dire (US 4756756531) which actually are not RNGs. To defend his position the Applicant counterpleads:

- in the descriptions of inventions by Kitazawa (JP 05-286500), Karlin (US 4763284) and Dire (US 4756756531) there is no mention of intention to use any stochastic process for any purpose;

- in the descriptions of the inventions by Kitazawa (JP 05-286500), Karlin (US 4763284) and Dire (US 4756756531) there is no mention of intention to use stochastic characteristics of meteorite flows in the near Earth space;

- the inventions by Kitazawa (JP 05-286500), Karlin (US 4763284) and Dire (US 4756756531) have no relation to RNGs;

- in the inventions by Kitazawa (JP 05-286500), Karlin (US 4763284) and Dire (US 4756756531) there are no such fundamental features of RNGs as means for transformation of the registered signals into random numbers and means for transmission of the acquired random numbers to the customers;

- the Applied Invention is not exception in the sense that all publications of applications for invention, including ones put by great Thomas Alva Edison, create an illusion that they might be creatively developed by persons skilled in the art on the base of previous inventions;

- despite impetuous development of Information Technologies, up to the moment of publication of the Applied Invention there were no other publications on RNGs or devices for playing games using stochastic characteristics of flows of meteorites in the near Earth space;

- the position of the Applicant about novelty of the Applied Invention is shared by experts in the field of space technologies including Dr. Vladimir Nikitsky and Ph.D. Roman Yakimenko who provided USPTO with official declarations. In the declarations they directly said: "It makes it substantially different from random number generators used in modern roulette and lottery", "I believe that applied generator is quite original".

The Applicant attracts attention of the Examiner to the fact that inventions by Kitazawa (JP 05-286500) and Karlin (US 4763284), in the form as they had actually been applied as

devices for registration of processes have immanent incorrigible defects dooming a blazing failure of any attempt to use them in RNSs as means for registration of stochastic processes:

- it is impossible for device by Kitazawa (JP 05-286500) to ensure unambiguous identification of exact regions of a meteorite collisions because of wide spread of mechanical tensions induced by a collision in the material of flexible casing of the balloon leading to substantial probability of simultaneous actuation of at least two sensors;

- it is impossible in the device by Kitazawa (JP 05-286500) to insulate mechanically any fields on the casing of the balloon because any insulation will invariably lead to a loss of casing flexibility and consequent impossibility of its deployment in space;

- there are no identification markers envisaged for imaginable fields on the balloon casing of the device by Kitazawa (JP 05-286500) which might be incorrectly mixed up with actual identification markers for the sensors, and furthermore, there is no way to unambiguously determine which exact region of the balloon casing belongs to any sensor;

- registration of blows by inserting sensors into the boxing gloves used in the device by Karlin (US 4763284) does not allow to identify the exact place to which a blow had been stricken;

- the device by Karlin (US 4763284) was not intended for registration of any stochastic process.

From the above mentioned circumstances it follows that the inventions by Kitazawa (JP 05-286500) and Karlin (US 4763284) in principle can not be used as means for registration of stochastic processes in RNG. So it is impossible to creatively develop them neither up to the Applied Invention nor to any other RNG.

Having answered to the items 5, 6 and 7 of the remarks the Applicant respectfully disagrees with the Examiner regarding the rejection in section 1 and 2 of the office action that the method claimed in the claim 21 "does not transform underlying subject matter (such as article or materials) to a different state or thing" and "does not provide any type of machine or apparatus to perform the method of space game". Actually the Applied Method is based on transformation of exact physical manifestations of stochastic characteristics of meteorite flows in the near Earth space into random numbers using the original RNG device claimed in the claim 17. In this sense the Applied Method does not differ from other Methods of Paying Games (MPG) in principle.

The Applicant attracts attention of the Examiner to the USPTO practice to grant patents for MPG applications similar by structure to the Applied Method and based on the use of RNG for paying games. It seems to be expedient to give some examples of patents for inventions granted by the USPTO comparably not long ago:

- MPG US 5437462 of 01.08.1995, based on the use of RNG being a deck of cards, with the first step of the method being actuation of the RNG (dealing of the deck);

- MPG US 5743798 of 28.04.1998, based on the use of RNG being a roulette wheel, with the first step of the method being actuation of the RNG (start up a roulette wheel);

- MPG US 7481432 of 27.01.2009, based on the use of RNG being a deck of cards, with the first step of the method being actuation of the RNG (dealing of the deck).

The Applicant respectfully agrees with the Examiner that the steps described in the claim 21 are not properly differentiated. So the Applicant asks to accept the amended wording of claim as noted above in the claims section.

Regarding sections 3 and 4 of the office action, the Applicant respectfully disagrees with the Examiner that wording of the claim 21 is "falling to particularly point out and distinctly claim the subject matter which applicant regards as the invention". Actually in the claim 21 the Applicant regards there as an invention step the step (a) "actuation of the device for playing a space game being a random number generator (RNG) of the claim 17".

The Applicant respectfully attracts attention of the Examiner that nevertheless the USPTO annually considers and grants patents to a lot of applications for Random Number

Generators (RNG) and Methods of Paying Games (MPG) there were neither RNG nor MPG contraposed to the Applied Invention.

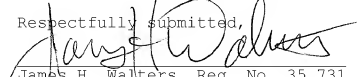
The Applicant respectfully disagrees with the Examiner regarding to claims 23-30 because all they are based on the use of the new original RNG of the claim 17 or follows the new method of the claim 21.

Finally the Applicant respectfully asks the Examiner to reconsider his application taking into account the abovementioned arguments.

The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no fees are due with this filing. However, if it is determined that fees are required to keep the application pending, please charge deposit account 503036. If a refund is owed, please refund deposit account 503036.

Respectfully submitted,



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